

[10537/297]

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **PROCESS FOR THE PRODUCTION OF HEAT EXCHANGER TUBES CONSISTING OF HALF-TUBES OR TUBES, FOR RECUPERATIVE WASTE GAS HEAT EXCHANGERS**, the specification of which was filed as PCT International Patent Application No. PCT/DE03/03917 on November 26, 2003.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Number	Country filed	Day/month/year	Priority Claimed Under 35 U.S.C. § 119
102 60 535.1	Fed. Rep. of Germany	21/December/2002	Yes

Rec'd PCT/PTO 27 DEC 2005
10/540226

Please address all communications regarding this application to:

KENYON & KENYON
One Broadway
New York, New York 10004
CUSTOMER NO. 26646

Please direct all telephone calls to Richard L. Mayer at (212) 425-7200.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of the application or any patent issued thereon.

Rec'd PCT/PTO 27 DEC 2005

10/540226

Inventor:

Ludwig STEINHAUSER

Inventor's Signature:

Ludwig Steinhauser

Date: Aug. 26, 05

Residence: Lusstrasse 18
82216 Maisach
Federal Republic of Germany

DEY

Citizenship: Federal Republic of Germany

Post Office Address: Same as above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Ludwig STEINHAUSER
Serial No. : 10/540,226
For : PROCESS FOR THE PRODUCTION OF HEAT EXCHANGER TUBES CONSISTING OF HALF-TUBES OR TUBES, FOR RECUPERATIVE WASTE GAS HEAT EXCHANGERS
Int'l. Filing Date : November 26, 2003
Examiner : To Be Assigned
Art Unit : To Be Assigned
Confirmation No. : 2990

STATEMENT UNDER 37 C.F.R. § 3.73(b)

SIR:

MTU AERO ENGINES GMBH, having a place of business at **Dachauer Strasse 665, 80995 Muenchen, Federal Republic of Germany**, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified copy. A copy of the assignment is attached hereto.

The undersigned is authorized to sign this Statement Under 37 C.F.R. § 3.73(b) on behalf of the assignee, **MTU AERO ENGINES GMBH**.

Respectfully submitted,

KENYON & KENYON

Dated: Dec. 27, 2005

By:



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Reg. No. 42,194
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New York, New York 10004
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ASSIGNMENT

WHEREAS, I,

Ludwig STEINHAUSER
Lusstrasse 18
82216 Maisach
Federal Republic of Germany
Citizenship: Federal Republic of Germany

have made certain inventions and discoveries in a **PROCESS FOR THE PRODUCTION OF HEAT EXCHANGER TUBES CONSISTING OF HALF-TUBES OR TUBES, FOR RECUPERATIVE WASTE GAS HEAT EXCHANGERS**, the specification of which was filed as PCT International Patent Application No. PCT/DE03/03917 on November 26, 2003; and

WHEREAS **MTU AERO ENGINES GMBH**, having a place of business at **Dachauer Strasse 665, 80995 Muenchen, Federal Republic of Germany**, and who, together with its successors and assigns, is hereinafter called "Assignee," is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited,

NOW, THEREFORE, for valuable consideration furnished by Assignee to me, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said inventions and discoveries, said application for Letters Patent of the United States of America, any and all other applications for Letters Patent on said inventions and discoveries, including all divisional, renewal, substitute, and continuation applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.

2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in my name or in the name of Assignee or otherwise as Assignee may deem advisable, under an International Convention or otherwise.

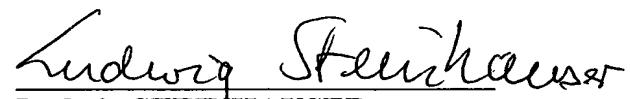
3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

4. Warrant that I have not conveyed to others any right, title, or interest in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; that I have good right to assign the same to Assignee without encumbrance; and that I am aware of no claim to the contrary.

5. Bind my heirs, legal representatives, and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me or

them, all acts reasonably serving to assure that said inventions and discoveries, said patent applications, and said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to me relating to said inventions and discoveries or the history thereof; to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in my control or in the control of my heirs, legal representatives, or assigns which may be useful for establishing the facts of my conception, disclosure, and reduction to practice of said inventions and discoveries; and to testify to the same in any interference, arbitration, or litigation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 26th day of August, 2005.


Ludwig STEINHAUSER

**POWER OF ATTORNEY TO PROSECUTE APPLICATION
BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**

MTU AERO ENGINES GMBH hereby appoints the following practitioner(s):

Richard L. Mayer (Reg. No. 22,490)
Gerard A. Messina (Reg. No. 35,952)
Clifford A. Ulrich (Reg. No. 42,194)

as its attorney(s) to represent it before the United States Patent and Trademark Office in connection with any and all patent applications assigned to it according to the assignment records of the United States Patent and Trademark Office or assignment documents attached to this paper in accordance with 37 C.F.R. § 3.73(b).

Please direct all correspondence for the application identified in the attached statement under 37 C.F.R. § 3.73(b) to:

KENYON & KENYON
One Broadway
New York, New York 10004
Telephone: (212) 425-7200
Facsimile: (212) 425-5288
CUSTOMER NO. 26646

A copy of this form, together with a statement under 37 C.F.R. § 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 C.F.R. § 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

The undersigned, whose title is supplied below, is authorized to act on behalf of **MTU AERO ENGINES GMBH**.

MTU AERO ENGINES GMBH
Dachauer Strasse 665
80995 Muenchen
Federal Republic of Germany




Name: Udo Stark

Dr. Michael SÜß

Title: President and CEO Executive Vice President

Date: 26. 9. 05